

Jeremy Panzella, Esq. (JP-3927)
Rosabianca & Associates, PLLC
40 Wall Street, 31st Floor,
New York, New York 10017
(Phone: 212-269-7722); (Fax: 212-269-7799)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JOHNNY RIVAS and RUPERTO CASTELLANOS,
Individually, and on Behalf of All Other Persons
Similarly Situated,**

Plaintiffs,

-against-

Case #09-CV-9564

**ANSWER TO CROSS-
CLAIMS**

**ROSSO ENTERPRISES CORP. d/b/a Aqua
Restaurant, ALBERTO BAUDO, VALERIO
RUBINO, and JOHN DOES #1-10, Jointly and
Severally,**

Defendants.

Defendants Rosso Enterprises, Corp., d/b/a Aqua Restaurant and Alberto Baudó,
by their attorneys, Rosabianca & Associates, PLLC, as and for its answer to the
Defendant Valeria Rubino's Cross-Claims respectfully responds and alleges as follows:

As to the First Cross-Claim

1. The Defendants answering herein deny the allegations contained in paragraphs numbered 1, 2 and 3.

As to the Second Cross-Claim

2. The Defendants answering herein deny the allegations contained in paragraphs numbered 4, 5 and 6.

3. AS AND FOR A FIRST AFFIRMATIVE DEFENSE: The defendants hereby assert and reserve unto themselves any defenses which the further investigation of this matter may prove applicable herein.
1. AS AND FOR A SECOND AFFIRMATIVE DEFENSE: The cross-claims fail to state a cause of action or a claim.
2. AS AND FOR A THIRD AFFIRMATIVE DEFENSE: The cross-claims are barred in whole or in part by the doctrine of waiver.

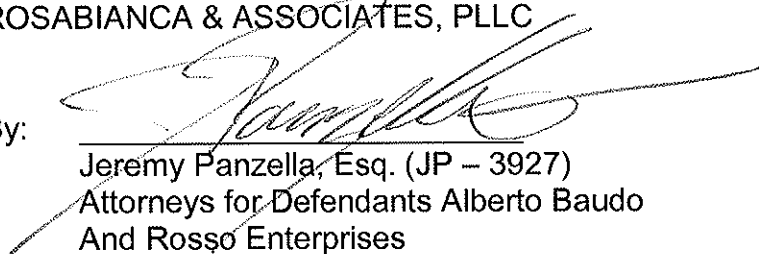
WHEREFORE, defendants demand judgment dismissing the defendant Valeria Rubino's cross-claims together with the costs and disbursements of this action.

Dated: November 23, 2010

Respectfully Submitted,

ROSABIANCA & ASSOCIATES, PLLC

By:



Jeremy Panzella, Esq. (JP – 3927)
Attorneys for Defendants Alberto Baudo
And Rosso Enterprises
40 Wall Street, 31st Floor
New York, New York 10005
T: (212) 269-7722
F: (212) 269-7799

To:

PAUL W. VERNER
VERNER SIMON, P.C.
Attorneys for Defendant Valeria Rubino
110 Wall Street, 11th Floor
New York, NY 10005

William Coudert Rand, Esq.
Attorneys for Plaintiffs
The Law Office of William Coudert Rand
711 Third Ave., Suite 1505
New York, NY 10017